

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WADE DOYLE SMITH,

Plaintiff,

v.

WASHOE COUNTY JAIL,

Defendant.

Case No. 3:18-cv-00352-RCJ-WGC

ORDER

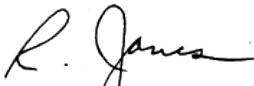
On April 29, 2021, the Court issued a screening order, dismissing Plaintiff's complaint in its entirety, without prejudice, and with leave to amend. (ECF No. 3.) Plaintiff has filed a motion asking that the Court dismiss this case without sanction. (ECF No. 6.) The Court construes this as a motion for voluntary dismissal without prejudice.

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The complaint has not been served on the Defendants, and thus the Defendants have not filed an answer or a motion for summary judgment. Accordingly, the Court grants Plaintiff's motion to voluntarily dismiss this action without prejudice.

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's motion for voluntary dismissal (ECF No. 6) is **GRANTED**. This action is dismissed in its entirety without prejudice.
2. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **DENIED** as moot.
3. The Clerk of the Court will enter judgment accordingly.

DATED THIS 19th day of July 2021.


UNITED STATES DISTRICT JUDGE